

**State of California**

Department of Industrial Relations  
 Division of Occupational Safety and Health  
 Long Beach District Office  
 3939 Atlantic Avenue, Suite 212  
 Long Beach, CA 90807  
 Phone: (562) 506-0810 Fax: (562) 426-8340

**Inspection #:** 1483221  
**Inspection Dates:** 07/10/2020 – 12/03/2020  
**Issuance Date:** 12/14/2020  
**CSHO ID:** Q4108  
**Optional Report #:** 001-21

**Citation and Notification of Penalty**

**Company Name:** CLW Foods, LLC  
**Establishment DBA:**  
 and its successors  
**Inspection Site:** 3425 E Vernon Avenue  
 Vernon, CA 90058

Citation 1 Item 1 Type of Violation: **Regulatory**

California Code of Regulations, Title 8, Section 342(a) - Reporting Work-Connected Fatalities and Serious Injuries

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

Violation:

**Employer failed to report to the Division the serious illnesses of its own employees and contract employees of California Enterprises who fell ill of COVID-19 that occurred at its workplace or in connection with the employees' work:**

**Instance 1: Employee #1's COVID-19 illness that was confirmed on or about March 30, 2020 and resulted in hospitalization on or about April 1, 2020;**

**Instance 2: Employee #2's COVID-19 illness that was confirmed on or about April 2, 2020 and resulted in hospitalization; and**

**Instance 3: Employee #3's COVID-19 illness that was confirmed on or about April 11, 2020 and resulted in hospitalization.**

<b>Date By Which Violation Must be Abated:</b>	<b>January 14, 2021</b>
<b>Proposed Penalty:</b>	<b>\$5000.00</b>

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Vernon, CA 90058

Citation 1 Item 2 Type of Violation: **General**

California Code of Regulations, Title 8, Section 3203(a)(8) Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

...  
(8) Allow employee access to the Program.

Violation:

**Prior to and during the course of the inspection, including but not limited to, on July 10, 2020, the Employer’s Injury and Illness Prevention Program was missing the elements required by subsection (a)(8).**

**Date By Which Violation Must be Abated:** January 14, 2021  
**Proposed Penalty:** \$700.00

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**Citation 2 Item 1** Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 3203(a) Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

(A) When the Program is first established;

Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

California Code of Regulations, Title 8, Section 5141(a) Control of Harmful Exposure to Employees

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on July 10, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in the following instances:

**Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to SARS-CoV-2, the virus that causes COVID-19, that affected its own employees and contract employees of California Enterprises and HR Staffing, including, but not limited to, the following:**

- a) The improper handling and storage of face coverings during breaks;**
- b) The failure to ensure the use of face coverings in lavatories;**
- c) The lack of physical distancing between employees in the parking lot lunch area during a company-sponsored barbecue on or about July 10, 2020; and**
- d) The lack of physical distancing barriers between employees in the Meat Packing Department and Beyond Meat Department;**
- e) The lack of physical barriers between employees in the Meat Packing Department and Beyond Meat Department. (3203(a)(6))**

**Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions, work practices, and work procedures relating to SARS-CoV-2, the virus that causes COVID-19, that affected its own employees and contract employees of California Enterprises and HR Staffing, including, but not limited to, the following:**

- a) The improper handling and storage of face coverings during breaks;**
- b) The failure to ensure the use of face coverings in lavatories;**
- c) The lack of physical distancing between employees in the parking lot lunch area during a company-sponsored barbecue on or about July 10, 2020;**
- d) The lack of physical distancing barriers between employees in the Meat Packing Department and Beyond Meat Department;**
- e) The lack of physical barriers between employees in the Meat Packing Department and Beyond Meat Department. (3203(a)(6))**

Or, in the Alternative to Instance 2 b) and e):

Prior to and during the course of the inspection, including, but not limited to, on July 10, 2020, the employer failed to prevent harmful exposures of its own employees and contract employees of California Enterprises and HR Staffing to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of SARS-CoV-2, the virus that causes COVID-19, including, but not limited to:

- a) The use of face coverings in lavatories to limit the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing; and**
- b) Plexiglas screens or other physical barriers among its own employees and contract employees who were stationed and working within six feet of each other in the Meat Packing Department and Beyond Meat Department.**

**Date By Which Violation Must be Abated:**

**December 21, 2020**

**Proposed Penalty:**

**\$16875.00**

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Citation 3 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 3203(a)(7) Injury and Illness Prevention Program.

- (a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:
  - (7) Provide training and instruction:
    - (A) When the program is first established;  
Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.
    - (B) To all new employees;
    - (C) To all employees given new job assignments for which training has not previously been received;
    - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
    - (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
    - (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Violation:

**Prior to and during the course of the Division’s inspection, including, but not limited to, on July 10, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in that it failed to provide training and instruction to its own employees and contract employees of California Enterprises and HR Staffing regarding the new occupational hazard of SARS-CoV-2, the virus that causes COVID-19, on such topics as signs and symptoms of infection, how the virus is spread, and measures to avoid infection.**

<b>Date By Which Violation Must be Abated:</b>	<b>December 21, 2020</b>
<b>Proposed Penalty:</b>	<b>\$10125.00</b>

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Hien Le  
Compliance Officer / District Manager